

**WOODSTOCK PLANNING & ZONING COMMISSION  
REGULAR MONTHLY MEETING  
THURSDAY, MAY 17, 2012, 7:30 P.M.  
WOODSTOCK TOWN HALL, MEETING ROOM 1**

**MINUTES**

**I. MONTHLY MEETING**

- a. Call to Order – Meeting was called to order by Chair Gordon at 7:31 p.m.
- b. Roll Call – David Fortin, John Anastasi, Travis Serrine, Gail Dickinson, Jeff Gordon, Delia Fey, Fred Rich, Joseph Adiletta, Dexter Young, Dorothy Durst, Syd Blodgett (7:35)  
Absent – Ken Goldsmith, Lynne White

As noted for the record by Dr. Gordon, there is a quorum to conduct business.

**II. CITIZEN'S COMMENTS - None**

**III. CHAIR'S REPORT**

Chair Gordon noted that a former commissioner, Sandy Rotival, has passed away. He was a member of PZC from 1999 to 2007 and was also a founding member of Celebrating Ag. PZC remembers Sandy, is thankful for his contribution to the town, and sends their thoughts and prayers along to the family.

**IV. DESIGNATION OF ALTERNATES - Travis Serrine is seated.**

**V. MINUTES**

Meeting Minutes – April 19, 2012

**MOTION TO APPROVE MINUTES, AS NOTED, BY FORTIN, SECONDED BY YOUNG.**

- Durst has question for Ms. Fey under ZEO report – Klansek item. Did Mr. Klansek remove the sandbags? They have been removed and the bond was released, per Ms. Fey.
- Third page, top paragraph talks about opening of public hearing re: Woodstock Academy text amendment. Right before “This change would accommodate...” Durst would like to add: Summary by Attorney Cotnoir for the proposed text amendment.

**MOTION CARRIED.** Syd Blodgett abstains as he was not at the meeting. (Syd Blodgett present at 7:35 p.m.)

**VI. PRELIMINARY DISCUSSION**

**Harry Wotten, 3 Homeslea Court – proposed mixed business uses**

Harry Wotten, Herindeen Landing, is present to go over plan details with PZC. Wotten owns a company in Sturbridge, MA and is interested in setting up office space at this property for his business on the second floor. (No public use). The primary business will remain in MA. It is an orthopedic device company for veterinary use. He is proposing the use of the first floor to be a breakfast/lunch restaurant and also retail for crafts that his wife would manage. Before he purchases the property, he is asking for a sense of the PZC as to whether this type of use might be allowed. The hours of the restaurant would be approximately 7:00 to 2:00, 7 days a week. The structure will require significant improvements since the inside has no plumbing or heating. The exterior has had some work done already. There were additional questions on parking, traffic. Parking area would be necessary, around 15 spaces. Wotten would prefer having entry and exit traffic onto Homeslea Court. He will comply with any historic property requirements. It is stated for the record that a preliminary discussion is non-binding however the use does appear to be acceptable and would certainly add to the local economy. In order to move forward, the applicant should set a meeting date with Ms. Fey to go over the special permit application process, then civil engineer and surveyor. It is recommended that the design guidelines be reviewed as they are encouraged by PZC, but not mandatory.

**MOTION TO MOVE ITEM X. ZEO REPORT UP TO ITEM VII. BY ANASTASI, SECONDED BY FORTIN. MOTION CARRIED UNANIMOUSLY.**

## **VII. ZEO REPORT**

- 310 Roseland Park Rd – working on unregistered vehicles, follow-up by Fey in June;
- 87 Barlow Cemetery – working on selling the scrap metal, follow-up by Fey in July;
- 36 Walker Lane – cottage built without permits. Notice of violation sent in January, responded in Feb that they would apply for approval from NDDH but did not do so as of yet. Cease and Desist was issued 05/17/2012.

Fey asks for PZC direction on what action to take once the Cease and Desist time frame expires.

**MOTION BY ADILETTA, SECONDED BY RICH TO AUTHORIZE MS. FEY TO NOTIFY THE TOWN ATTORNEY FOR FURTHER ACTION IF APPLICANT DOES NOT RESPOND TO CEASE AND DESIST.** Durst would like Fey to give the applicant as much opportunity to respond as possible. **MOTION CARRIED. Durst is opposed.**

## **UPDATE ON WOODSTOCK ACADEMY BENTLEY FIELD EXPANSION**

Fey states she went out to visit the site and she provides her update to PZC. The town continues to receive detailed inspection reports from Chuck Eaton of CME on the progress that is available for public viewing in the building office.

### **VIII. PUBLIC HEARING AT 8:00 P.M.**

#### **a. #605-03-12 Dave & Jen Dean Brown, 232 West Quasset Road (Map 6393, Block 65, Lot 226-2) – 2 Lot Re-subdivision**

As noted for the record, this public hearing notice was posted in *The Woodstock Villager* on May 4<sup>th</sup> and May 11<sup>th</sup> and is within the state statute requirement of 65 days for opening of the public hearing since it was not held last month, per the applicant's request. Paul Archer, professional land surveyor with Archer Surveying is present to represent the Brown's and also in attendance is Attorney William St. Onge. Brief background is given. Proposal was discussed during a Preliminary Discussion on August 19, 2010 (See minutes). 9.51 acre parcel, 30.75 feet of road frontage on West Quasset and 475 feet of water frontage on Quasset Lake. The lot has very sloping grade until you get to 260 feet from water's edge. At that point, the slopes are steeper with grades that are greater than 20 percent. Proposal is to divide into two almost equal lots and share a 30 foot common driveway and then a 50 foot driveway from there to be solely used for this residence. Driveway does not exceed 10 percent grade. Wetlands and health department approvals have been granted.

An appraisal was done by Platt Associates for the proposed fee in lieu of open space. Attorney St. Onge submits a copy of the minutes from August of 2010 which states that a non-binding Preliminary Discussion was had and the concept was acceptable to PZC. Appraisal came in at \$150,000 at 10% equals \$15,000. What fee should they pay on the sale of the lot? It is Attorney St. Onge's position that what they should pay after the sale of the single lot is ½ of \$15,000 or \$7,500. There does not appear to be a clear rule in the statutes or in the case law. The Commission has questions on calculations. According to Attorney St. Onge, the acreage of the second lot isn't relevant. It states in the state statutes that the fair market value shall be determined by an appraiser and the value of the land is the value of the entire parcel prior to subdivision. There is a discrepancy on the appraisal which shows the lot as 4.01 acres. There are questions from the commission on the application package, itself. NDDH letter needs to be corrected to show town of Woodstock.

Plan has been provided to Design Professionals for review and a letter was submitted from the town engineer dated 03/12/12.

There were four brief comments: "1. The opinion of Probable Construction Cost – Proposed Gravel Driveway, dated 3/12/2012 appears reasonable. 2.

The opinion of Probable Construction Cost – E&S Controls, dated 03/12/12 appears reasonable. 3. There is a stretch of gravel driveway (approximately 160 feet from the house) where the proposed slope is close to 10 percent. It is suggested that an effort be made to flatten this area, if possible, to help reduce future maintenance requirements. 4. Contours in front of proposed house should depict the proposed grade as sloping away from building.”

A letter was received from John Navarro stating that he saw no issues relating to run off or additional storm water added to the town roadway. A letter was received from the Conservation Commission dated March 13, 2012 recommending the following: “1. Maintain the riparian cover on the steep slope along the lake shore. 2. Minimize impervious coverage in the new house lot and utilize Low Impact Development strategies to minimize runoff. 3. Minimize lawn areas. 4. Be extra prudent in inspection of E&S controls on the steep slope areas during construction and until the site is stabilized after construction. 5. If pond access is installed, carefully design any pathway so it won’t become a channel for runoff to enter Quassett Pond, and be sure to get proper permits for activity in the riparian area from Woodstock Inland Wetlands and Watercourse Agency.”

A letter was received dated March 14, 2012 from the Fire Marshal. He submits the following: 1. “Water supply in area – There is a water supply near the proposed sub-division that the Volunteer Fire Association would use for fire protection, located just west of #232 W. Quassett Rd, on the north side of the dirt road. This water source presently does not have a dry hydrant connection and may not be easily accessible during the winter months due to snow & ice accumulations. I inspected the small water hole and found a good amount of water in it, but I have no knowledge or documentation how it stands up during the summer months. I also saw a lot of vegetation growth taking place in the water including a large amount of algae growth that would have a critical effect on the fire department suction hose strainers by clogging them during drafting operations.” 2. “No hydrants.” 3. “Estimated fire protection value for structures and contents of the sub-division - \$1,050,000.00.” 4. “No mention of homes being built with residential sprinkler systems.” 5. “The unpaved common driveway does not appear to meet the requirements of Common Driveways, Section 809, of a minimum of 18 feet. I would request that a minimum of two pull off areas for fire apparatus be built into the proposed gravel driveway which I do not see in the drawings. Any deviations from the submitted plans must be approved by the Fire Marshal, Fire Chief of the area to be protected and the Highway Foreman.” (See letter for further details on water source protection).

It is noted that the Conservation Commission's comments do not include anything on the fee in lieu of open space option that is being proposed. They may not be aware that this is an option. The regulations do require that they be consulted on this issue. Ms. Fey will follow-up. A waiver request was submitted for landscape architect and plan design. It is noted for the record that abutters were notified, as required, for the public hearing.

No comments from the public.

**MOTION BY FORTIN TO ACCEPT THE CONCEPT OF FEE IN LIEU OF CONSERVATION LAND FOR #605-03-12, SECONDED BY ANASTASI.**

Discussion on whether a new appraisal is needed for the entire 9 acre parcel of raw land and not a building lot. Attorney St. Onge requests the public hearing be continued to submit a proper appraisal. This will be submitted in writing.

Mr. Brown gives permission for this to be done.

**MOTION BY ANASTASI TO CONTINUE THE PUBLIC HEARING ON #605-03-12 TO JUNE 21, 2012. DELIA NEEDS TO PROVIDE THE APPLICANT WITH A LIST OF OUTSTANDING ITEMS FOR THE NEXT MEETING. SECONDED BY YOUNG.**

- Appraisal on entire lot;
- Fire protection issue (width of the road and availability of water supply from water source);
- Address on NDDH letter needs correction;
- Conservation Commission comments;
- Applicant may submit waiver request and have a sprinkler system in the home.

**MOTION CARRIED UNANIMOUSLY.**

**b. #041912-1 Woodstock Academy – text amendment to address student housing**

Attorney Ernest Cotnoir, 163 Providence Street, Putnam, CT, is representing Woodstock Academy on behalf of this text amendment application.

Text amendment details are explained to the Commission by Attorney Cotnoir and they include definitions for student and student housing. There is discussion on whether a zoning permit, special permit or site plan review would be appropriate procedure for text amendment to address student housing.

As noted for the record, PZC did send a request to Historic District Commission and WPCA and they both responded with letters entered into the record. Also received a letter from the Historic Properties Commission. Syd Blodgett states he listened to the audio of the April 19<sup>th</sup> meeting.

Delia Fey is recommending the student housing require a special permit and that is also what the town attorney has recommended in his letter of May 11,

2012. Fey also recommends that the maximum number of students be limited to the septic system limitations determined by NDDH.

There is lengthy discussion on whether a zoning permit, site plan review or special permit should be considered in the process.

Public Comment:

- Jean McClellan, Route 169, is speaking as a resident of Woodstock and not on behalf of the Historic Properties Commission. She has reviewed the revisions. She has a question on the definition of student and defining as “secondary” student and will PZC in the future want a broader definition? She questions how many dwelling units is 599 Rt 169 being classified as currently? Fey states when she inspected the structure, it had a large apartment on the 1<sup>st</sup> floor, small apartment on the second floor with another apartment toward the front on the second floor. There is no record of when that kitchen went in so the record is unclear. She doesn’t have the records to give a definitive opinion. This will be clarified.
- Amy Favreau, 19 Barlow Cemetery Road – She is the assistant principal at WA. She believes the residents are supporting this program. WA would be maintaining these houses and any historic properties and would not make any changes that might cause any complaints from the neighbors.
- Richard Baron, Fire Marshal – He clarifies some factual items as it pertains to code. 1. Occupancy – septic system limitations would be appropriate. In the building and fire code, you can go from a four family and have up to 6 students. It is no different than a single family residence and the fire marshal would not get involved. When you increase the limit to say 16, there will be egress requirements and fire separations between floors and fire alarms systems. He states the minimum number of 9 students wouldn’t be any different than 7 to 16 on the fire codes. More than 7 students would require an annual inspection.
- Nora Valentine, 49 Brickyard Rd – She comments positively on the work of the Commission and the WA international program that brings a lot of culture to the community.
- Sally Wentworth, West Quasset Road – She is a parent of a senior at WA and completely supports the international program and asks the Commission to also support it.
- Ed Higgins, resident. He comments on the Commission using good common sense and the fact that there are a lot of controls and safeguards in place with the text. He supports this international program and as a practical matter, moving the process along is in the town’s best interest.

- Marilyn Pomeroy, 540 Route 169. She is not against the program but respects Doug Porter's previous comments and recommendation that special permit should be the process for student housing.
- Jean McClellan – had a question about egress issue and Attorney Cotnoir responds.

After lengthy discussion, general consensus is for issuance of a zoning permit for existing buildings being converted to student housing that would be renewed annually. (Gail Dickinson, John Anastasi, Travis Sirrine, Jeff Gordon, Fred Rich, Dexter Young, Dorothy Durst and Dave Fortin.) Fortin also adds that at renewal time if all inspections are met, Ms. Fey can relay this information to PZC and they can vote at that time. In favor of special permitting process are Joseph Adiletta and Syd Blodgett.

Highlights on the changes are as follows:

- Line 31 – Building Official would need to approve for building code compliance;
- Fire Marshal would also have to approve for fire code compliance;
- Line 33 – NDDH is required to approve for health code compliance and certificate of adequacy of water, septic, sanitation facilities and determination of the maximum number of occupants the facility can support;
- Line 37 – No exterior structural changes to the building. Only exception if these changes are required for building, health or fire code compliance or other applicable regulatory agency;
- Line 45 – requirement that no student housing be closer than 750 feet;
- Line 49 – Demonstrated off street parking with one space per staff member and no student parking on or off site at all;
- Line 52 – No parking in any required front yard or side yard except in designated driveways or parking areas;
- Line 54 – Overall maximum of 9 students per dwelling unit and at least 50 square feet of usable floor area per occupant;
- Line 60 – Every room occupied for sleeping purposes shall be equipped with a wired AC smoke detector with battery backup;
- Line 66 – Added ZEO receive a submission of all floor plans and evidence that a CO was issued for the subject property at least 30 days prior to the date of the application.

Attorney Cotnoir asked to continue the Public Hearing until June 21<sup>st</sup> and he will submit a written confirmation to give applicant a chance to make the last changes and tighten up this amendment. Durst has many questions about the text. Public hearing on 041912-1 was continued until 12:15 a.m. to allow time to address second public hearing.

**MOTION BY DICKINSON TO TABLE THE PUBLIC HEARING ON 04-1912-1 TO 12:15 A.M., SECONDED BY DURST. MOTION CARRIED UNANIMOUSLY.**

**MOTION TO CONTINUE NEW BUSINESS BEYOND 10:00 P.M. BY BLODGETT, SECONDED BY DURST. MOTION CARRIED UNANIMOUSLY.**

**c. #SP579-08-09 – M2 Woodstock Academy, Bentley Athletic Field Expansion – Modification to Special Permit (drainage and terraced seating)**

Chuck Eaton, PE from CME Associates and Contract Administrator for the Benton Field Expansion Project, was present. As confirmed by Chair Gordon, the legal notice for this Public Hearing was posted May 4<sup>th</sup> and May 11<sup>th</sup> in *The Woodstock Villager* and a sign was put up on the property, along with a notification to the abutting property owners, as required. Proposed changes are shown on the plan and explained in detail. Instead of having grass in the seating area, they are proposing to use artificial turf as what was installed on the football field. This would require a change in the seating arrangement. The wall return will be extended along the paved sidewalk with a railing installed for safety. This would be about a foot and a half in height. They are also proposing about 5 foot width of riprap around the edge of the field and a 5 foot section of crushed stone to allow for better maintenance around the field. An area that was to be seeded was reduced to minimize impact to wetlands, pursuant to Army Corp permit. There is no increase in impervious area or to disturbed areas or changes in grading with any of these proposed changes. The modification also shows an additional curtain drain that runs from the soccer field, running along the edge of the roadway, passed the soccer and baseball fields which discharges at seven different points to the eastern side of the access road. Existing under drain was located and this will be continued across the access road to discharge in essentially the same place it did previous to any construction. The plans also represent changes that were brought before the Commission previously and approved. This modification was reviewed by John Navarro and no changes were recommended and they were also approved by the town engineer from Design Professional and he commented that this change is an improvement.

A letter from the Wetlands Agent, Terry Bellman, was submitted and states that the modification did not require any additional agency approvals and did not raise any concerns as to wetland's impact. There are a number of waivers requested, the same ones as previously requested and approved from the modification of January 19, 2012. No public comment.



**MOTION BY YOUNG, SECONDED BY RICH TO CLOSE PUBLIC HEARING ON #SP579-09-09-M2. MOTION CARRIED UNANIMOUSLY.**

**MOTION BY DURST, SECONDED BY ANASTASI TO TAKE UP FROM THE TABLE THE PUBLIC HEARING FOR 04-19-12- 1. MOTION CARRIED UNANIMOUSLY.**

**(Continuation of item VIII b)**

**#041912-1** Woodstock Academy – text amendment to address student housing  
Durst has recommendations and a few grammatical changes she will give to Delia for review.

- Line 7 – Strike “unrelated”
- Line 34 – Durst would like more detail on “sanitation facilities”
- Line 37 – “Exterior changes” should be in line with the requirements of the Historic Properties. Language can be modified a bit to address visual impact.
- Add word “resident” for resident student parking.
- Line 52 – No parking in any required front yard, nor shall there be in the side yard except in designated driveways or parking areas.
- Line 54 – Limit of 9 students
- Line 74 – Change word to prescribed
- Line 79 – “The Zoning Permit, once issued, may be automatically renewed each year by the Commission provided the following requirements are met. A. Submission of application. Any application for renewal that is not approved shall be deemed to have lapsed.”
- Remove all references to sections of regulations since they will be changing soon
- Applicant will submit written request for extension

**MOTION TO CONTINUE PUBLIC HEARING #041912-1 BY ANASTASI, SECONDED BY FORTIN TO JUNE 21<sup>ST</sup>. MOTION CARRIED UNANIMOUSLY.**

**MOTION TO TAKE #SP579-08-09 FROM THE TABLE BY RICH, SECONDED BY DURST. MOTION CARRIED UNANIMOUSLY.**

#### **VIII. UNFINISHED BUSINESS**

**#SP579-08-09 – M2 Woodstock Academy, Bentley Athletic Field Expansion – Modification to Special Permit (drainage and terraced seating)**

**MOTION TO APPROVE BY DURST, SECONDED RICH.**

Waivers need a majority vote and it was agreed they would be voted on as a group.

**MOTION TO APPROVE WAIVERS AS A GROUP BY BLODGETT, SECONDED BY ANASTASI.**

The following are the requested waivers (Article IV, Section 4, B)

- On-site sewage disposal (Article IV, Section 4 B. 2)
- Sewer service, WPCA (Article IV, Section 4 B. 3)
- Water service/water supply (Article IV, Section 4 B. 4)
- Subdivision approval (Article IV, Section 4 B. 6)
- Architectural elevations (Article IV, Section 4 B. 9)
- Traffic report (Article IV, Section 4 B. 10)

**MOTION CARRIED. DICKINSON OPPOSED.**

It is noted for the record that the Special Permit criteria has been evaluated and PZC agree that each one has been met. They are read for the record.

**MOTION TO APPROVE WAS CARRIED. DICKINSON OPPOSED.**

**MOTION BY RICH, SECONDED BY DURST TO TABLE THE REMAINING ITEMS ON THE AGENDA TO JUNE 21<sup>ST</sup> MEETING. NO DISCUSSION. MOTION CARRIED UNANIMOUSLY.**

**IX. ADJOURNMENT**

**MOTION TO ADJOURN BY RICH, SECONDED BY YOUNG AT 12:07 P.M. MOTION CARRIED UNANIMOUSLY.**

Respectfully Submitted,

Tina M. Lajoie, Clerk  
Planning & Zoning Commission

**DISCLAIMER:**

*These minutes have not yet been approved by the Planning & Zoning Commission. Please refer to next month's meeting minutes for approvals and/or amendments to these minutes. The audio recording is available by contacting the Town Planner/ZEO's office at 860-963-2128 (x332).*